

order of the Commission, shall impair or abridge or delay any cause of action for damages, or other relief, any owner of any land or any producer of crude petroleum oil or natural gas, or any other party at interest, may have or assert against any party violating any rule, regulation, or order of the Commission, or any judgment herein mentioned. Any party owning any interest in any property or production which may be damaged by any other party violating this Act or any other statute of this State prohibiting waste or violating any valid rule, regulation, or order of the Commission, may sue for and recover such damages and have such other relief as he may be entitled to in law or in equity. Proof of the issuance of the order, rule, etc., and of its violation shall establish prima facie plaintiff's right to damages, the amount thereof to be established by competent proof.

Sec. 13. The fact that any party owning or operating any property producing crude petroleum oil or natural gas is not so operating such property as to produce waste, prohibited by this Act, if such property alone were considered, shall not justify such party in violating any rule, regulation, order, or judgment regulating or affecting, not only such property but all other property.

Sec. 14. The purchase, transportation or handling of crude petroleum oil or natural gas produced from any property in excess of the amount allowed by any statute or any rule, regulation, or order of the Commission is hereby prohibited.

Sec. 15. Nothing in this Act contained shall be construed to relieve any party from the duties and obligations imposed by Chapter 36, page 171, of the Acts of the 41st Legislature at its 5th Called Session, commonly known as the Common Purchaser Law. Nothing in this Act contained shall modify or change in any way the terms and provisions of Senate Bill No. 337, passed by the 42nd Legislature at its Regular Session, commonly known as the Marginal Well Bill.

Sec. 16. This Act shall be cumulative of all laws of the State of Texas not inconsistent herewith, relative to crude petroleum oil and natural gas.

Sec. 17. If any of the sections, clauses or any provisions of this Act or of any other Act referred to by this Act shall be held to be unconstitutional, or otherwise invalid or unenforce-

able, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this Act and the parts of this Act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 18. The term Commission as used herein shall mean the Railroad Commission of Texas, but in the event a Conservation Commission shall be created by the 1st Called Session of the 42nd Legislature, the powers and duties herein set forth shall be exercised by and transferred to the Conservation Commission, from and after the date said Act becomes effective.

Sec. 19. This Act shall not amend, repeal, change, alter, or affect in any manner the anti-trust laws of this State.

Sec. 20. The fact that the present laws for the prevention of waste of the natural resources of Texas are inadequate, and that the State of Texas, in its endeavor to prevent waste of such natural resources, is being hindered by suits questioning its powers and duties with respect to such matters, create an emergency and an imperative public necessity that the Constitutional Rule which requires bills to be read on three several days be suspended, and that this Act shall so take effect and be in force from and after its passage, and it is hereby so enacted.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
August 7, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	ONeal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.

Stevenson. Woodruff.
Thomason. Woodul.
Williamson. Woodward.

Absent—Excused.

Beck.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodul (re-introduced):

S. B. No. 35, A bill to be entitled "An Act to amend House Bill No. 312 known as the Bond and Warrant Law of 1931 passed by the Forty-second Legislature at the Regular Session thereof by adding thereto a new section to be designated as Section 11a, providing that nothing contained in said Act shall be construed as requiring any city to give any notice as a condition precedent to issuing warrants payable out of current funds of such city, and the issuance of any such warrants by any such city shall not be subject to the terms and provisions of said Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 42, A bill to be entitled "An Act to provide for the employment of a supervisor or supervisors in all counties in this State whenever deemed advisable by the county board of school trustees and specifying qualifications and duties of such supervisor or supervisors and providing for the manner and mode of payment thereof and repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 43, A bill to be entitled "An Act amending Article 7008, Chapter 7, Title 121, Revised Civil Statutes of Texas, 1925, so as to empower commissioners' courts of counties not exempted from said Chapter

7 to authorize inspectors of hides and animals thereof, after proper hearing, to charge not to exceed twenty-five cents for each hide or animal inspected and, in inspection of lots of more than fifty hides or animals, not to exceed ten cents each for all hides or animals above that number."

Read and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 44, A bill to be entitled "An Act to amend Chapter 61, Acts of the Regular Session of the Forty-second Legislature, House Bill 289, providing for the taking of fish from the fresh waters of Hunt County, Kaufman County, and Rains County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale except carp, buffalo, catfish and drumfish taken from the waters of Kaufman County, Texas, or to retain any bass or trout less than eight inches in length or any white perch or crappie weighing less than one-half pound; fixing penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Gainer:

S. B. No. 45, A bill to be entitled "An Act to aid the Counties of Brazos and Robertson in paying the interest and principal on their outstanding county road bonds where the money from said bonds was used by and through the State Highway Commission of Texas to build and construct State designated highways, and to refund to the said counties such amounts as they have already paid on their indebtedness, where the amount paid was paid on the construction of State designated highways by donating and granting to the several counties a part of the State ad valorem taxes, collected on property by the State of Texas from the said counties for a period of fifteen years, and providing a penalty for any misapplication of said funds, and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Woodward:

S. B. No. 46, A bill to be entitled "An Act governing the statement of facts, including: amendment of Articles 2237, 2238, and 2239 of the Revised Civil Statutes, 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed, in duplicate, objection may be made thereto and the same when approved and signed as herein required may be used as the statement of facts; and provisions for fees and taxation of costs, therefor, sending up original documentary evidence or copying same into the statement of facts, filing statement of facts in narrative form, incorporating record by reference, eliminating bills of exception in certain instances, excepting procedure as to statement of facts in appeals in criminal cases, declaring and pointing out the procedure therefor in such criminal appeals, amending Articles 760 and 607 of the Code of Criminal Procedure, 1925, repealing House Bill No. 120 and Senate Bill No. 59 of the Regular Session of the Forty-second Legislature and all laws in conflict, saving such as are cumulative; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Rawlings:

S. B. No. 47, A bill to be entitled "An Act amending Article 2832, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 563, approved May 29, 1931, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(Withdrawn before being referred.)

By Senators Poage, Hornsby, Williamson, Rawlings, Neal:

S. B. No. 48, A bill to be entitled "An Act to amend Article 197 of the Revised Civil Statutes and to apportion the State of Texas into congressional districts, naming the counties composing each district and providing for the election of a member of the United States Congress from each such district and repealing all laws and parts of laws in conflict therewith."

Read and referred to Committee on Congressional Districts.

By Senator Williamson:

S. B. No. 49, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all counties in the State of Texas and any and all cities and towns in the State whether incorporated under General or Special Laws, and all cities operating under charters adopted under the provisions of Article 11, Section 5 of the Constitution of Texas, issued and attempted to be issued under authority of H. B. No. 312 of the Forty-second Legislature; and validating all orders of the commissioners' courts of such counties and all orders of the governing bodies of such cities and towns pertaining to such issues of such funding or refunding notes, bonds, warrants, time warrants and treasury warrants, and all orders by said commissioners courts and by said governing bodies of said cities and towns levying and assessing taxes to provide for the payment of interest and principal of such notes, bonds, warrants, time warrants and treasury warrants as they respectively mature; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Gainer:

S. B. No. 50, A bill to be entitled "An Act to apportion the State of Texas into the following congressional districts, each of which shall be entitled to elect one member of the Congress of the United States, and declaring an emergency."

Read and referred to Committee on Congressional Districts.

By Senator Purl:

S. B. No. 51, A bill to be entitled "An Act to amend Article 3109 of the Revised Civil Statutes of 1925, relating to ballot at primaries, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senators Purl, Patton and Woodul:

S. B. No. 52, A bill to be entitled "An Act amending Article 4553 of

the Chapter 10 commonly known and designated as the Optometry Bill, so as to provide for a State Board of Examiners in Optometry composed of six members and providing their necessary qualifications, and amending Article 4554 of said chapter so as to provide the terms of office of said members of said board and to repeal all laws in conflict therewith and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 53, A bill to be entitled "An Act amending Section 1 of Chapter 129 of the General Laws of the State of Texas by the Forty-second Legislature, so that the same shall hereafter read that the Centennial Committee therein created shall be composed of twenty-one members instead of nine, and providing for their appointment; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 54, A bill to be entitled "An Act to validate the incorporation of all cities and towns incorporated, or attempted to be incorporated under the General Laws of Texas, where, by inadvertence, oversight or mistake the field notes of such cities or towns were incorrectly set forth or where any other irregularity was had in the proceedings for the incorporation of such cities or towns, where such cities or towns have been operating and acting as such cities or towns and where the governing body of such cities or towns has, or have, entered an ordinance correcting and setting forth the true field notes of the territory incorporated or attempted to be incorporated or where the governing body of such cities or towns has, or have, entered an ordinance correcting such irregularity or irregularities, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 55, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of seawalls; validating the levy and as-

essment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 57, A bill to be entitled "An Act to amend S. B. No. 467 passed at the Regular Session of the Forty-second Legislature and as the same appears in the published laws of said session, and approved on the 29th day of May, 1931, and effective ninety days after adjournment, to repeal all laws in conflict herewith and declaring an emergency."

Read and referred to Committee on State Affairs.

House Bill No. 19.

Senator Pollard received unanimous consent to change the word "shall" to "may" in the Senate amendment to H. B. No. 19, Section 11b, as it appears on page 588 of the Senate Journal, column 1 third line from the bottom.

Point of Order.

Senator Parr moved to suspend Rule 92, which was invoked yesterday.

Senator DeBerry raised the point of order that the rule could not be suspended by a motion.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senate Bill No. 16.

The question recurred upon the pending amendment to the substitute for amendment to S. B. No. 16.

The amendment was adopted by the following vote:

Yeas—16.

Berkeley.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hornsby.	Small.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodul.
Parr.	Woodward.

Nays—10.

Cousins.	Martin.
DeBerry.	Poage.
Holbrook.	Rawlings.
Hopkins.	Stevenson.
Loy.	Woodruff.

Absent.

Cunningham.	Parrish.
Hardin.	Purl.

Absent—Excused.

Beck.

Senator Thomason sent up the following amendment to the substitute:

Amend the Poage Substitute for the Moore Amendment to S. B. Number 16, by striking out the words "State Forester" wherever they appear.

THOMASON.

Read and adopted by the following vote:

Yeas—15.

Berkeley.	Purl.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Thomason.
Hopkins.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—13.

DeBerry.	Oneal.
Greer.	Parrish.
Holbrook.	Poage.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	Williamson.
Moore.	

Absent.

Hardin.	Pollard.
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Absent—Excused.

Beck.

Senator Purl sent up the following amendment to the substitute:

Amend Poage substitute by striking out Board of Water Engineers.

PURL.

The amendment was read.

Senator Woodul moved the previous question on the amendment to the substitute, the substitute, and the original amendment. The previous question failed to be ordered by the following vote:

Yeas—9.

Berkeley.	Small.
Gainer.	Williamson.
Hornsby.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—18.

Cousins.	Parrish.
Cunningham.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Loy.	Russek.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Woodruff.

Present—Not Voting.

DeBerry.

Absent.

Hardin.	Pollard.
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Absent—Excused.

Beck.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

Yeas—13.

DeBerry.	Oneal.
Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Rawlings.
Hornsby.	Small.
Loy.	Williamson.
Moore.	

Nay—15.

Berkeley.	Purl.
Cunningham.	Russek.
Gainer.	Stevenson.
Hopkins.	Thomason.
Martin.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Pollard.	

Absent.

Cousins.	Neal.
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Absent—Excused.

Beck.

The amendment to the substitute was adopted by the following vote:

Yeas—17.

Berkeley.	Pollard.
Cousins.	Purl.
Cunningham.	Russek.
Gainer.	Stevenson.
Hopkins.	Thomason.
Martin.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—13.

DeBerry.	Oneal.
Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Rawlings.
Hornsby.	Small.
Loy.	Williamson.
Moore.	

Absent—Excused.

Beck.

The substitute as amended was adopted by the following vote:

Yeas—15.

Greer.	Holbrook.
Hardin.	Hornsby.
Moore.	Rawlings.
Neal.	Small.
Oneal.	Thomason.
Parrish.	Williamson.
Patton.	Woodul.
Poage.	The Chair.

Nays—15.

Berkeley.	Parr.
Cousins.	Pollard.
Cunningham.	Purl.
DeBerry.	Russek.
Gainer.	Stevenson.
Hopkins.	Woodruff.
Loy.	Woodward.
Martin.	

Absent—Excused.

Beck.

The Chair voted "yea."

The amendment as substituted was adopted by the following vote:

Yeas—15.

DeBerry.	Patton.
Gainer.	Poage.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Thomason.
Moore.	Williamson.
Oneal.	Woodul.
Parrish.	

Nays—14.

Berkeley.	Parr.
Cousins.	Pollard.
Cunningham.	Purl.
Greer.	Russek.
Hopkins.	Stevenson.
Loy.	Woodruff.
Martin.	Woodward.

Absent.

Neal.

Absent—Excused.

Beck.

Senator Oneal sent up the following amendment:

Amendment to Section 1 of Senate Bill No. 16 by adding immediately after the last word of said section the following: "No member of said commission shall, for a period of two years, from the time he vacates the office of said commission be eligible to hold or be eligible for appointment to or election to any other State office."

Oneal, Purl, Loy, Rawlings, Moore, Cunningham, Thomason, Poage.

Read and adopted.

Senator Moore sent up the following amendments:

Amend S. B. No. 16, page 1, line 16, between the figures "1925" and the word "chapter" the following: "relating to the conservation of oil and gas."

MOORE.

Read and adopted.

Amend S. B. No. 16, page 1, line 61, by adding between the figures "1925" and the word "the" in said line, the following: "relating to the conservation of oil and gas."

MOORE.

Read and adopted.

Amend S. B. No. 16, page 2, line 1, by striking out the words "of gas utilities."

MOORE.

Read and adopted.

Amend S. B. No. 16, line 19, page 1, by striking out the words "gas utilities."

MOORE.

Read and adopted.

Senator Woodward sent up the following amendments:

Amend S. B. No. 16, on page 2 by adding a new section between sections 5 and 6, to read as follows:

"Hereafter all persons exercising any duty or carrying out any order of the commission in respect to the enforcement of the conservation laws and orders of the commission promulgated, entered or passed in pursuance thereto under Title 102, Revised Civil Statutes of 1925, or any amendments thereto, must be employees of the State. The commission shall not permit any person other than an employee of the State to enforce or exercise any duty in respect to the enforcement of its rules, regulations or orders to enforce any conservation law unless such person be an employee of the State and no employee exercising any duty in respect to the enforcement of the conservation laws shall ever receive any compensation from any person, firm or corporation engaged in the production, storage, transportation or refining of oil or gas."

WOODWARD.

Read and adopted.

Amend Senate Bill No. 16 by adding a new section following section 4 to read as follows:

"The fact that the enforcement of the oil and gas conservation laws are hereby transferred to the Conservation Commission, shall not affect the salaries paid to the Railroad Commissioners under the terms of Chapter 277, Acts Regular Session of the 40th Legislature of 1927, and said commissioners shall nevertheless be entitled to receive the salaries therein provided for services in connection with the regulation of gas utilities and the regulation of pipe line rates and other duties in connection therewith."

WOODWARD.

Read and adopted by the following vote:

Yeas—21.

Berkeley.	Parr.
Cunningham.	Patton.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—7.

Cousins.	Poage.
DeBerry.	Stevenson.
Greer.	Williamson.
Martin.	

Absent.

Parrish.	Pollard.
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Absent—Excused.

Beck.

Senator Moore sent up the following amendment:

Amend S. B. No. 16 as amended by adding to the Moore amendment as substitute, the following: "Board of Water Engineers."

MOORE.

The amendment was read.

Senator Woodward raised the point of order that this amendment had previously been defeated.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

The bill failed to pass to engrossment by the following vote:

Yeas—11.

Gainer.	Russek.
Holbrook.	Thomason.
Neal.	Williamson.
Oneal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—17.

Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Woodruff.
Loy.	

Absent.

Parrish.

(Pair Recorded)

Senator Poage (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Special Order Set.

On motion of Senator Woodward, H. B. No. 25, was set as special order tomorrow morning at 10 o'clock.

Recess.

Senator Russek moved to recess until 2:30 o'clock p. m.

Senator Poage moved to recess until 1:30 o'clock p. m.

The motion to recess until 2:30 p. m. prevailed and at 12:30 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 4.

The Chair laid before the Senate by unanimous consent, the following bill:

H. B. No. 4, A bill to be entitled "An Act making an appropriation of thirty thousand dollars (\$30,000) to be used by the Attorney General for the purpose of paying the expenses of investigating and prosecuting violators of conservation and anti-trust laws of this State, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 4, was put on its third reading and final passage, by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Point of Order.

Senator Holbrook raised the point of order that S. B. No. 47 did not come within the Governor's call.

Senator Rawlings withdrew the bill.

House Bill No. 19.

Senator Pollard moved to reconsider the vote by which S. B. No. 19 was finally passed. The motion prevailed.

Senator Pollard sent up the following amendments:

Amend Section 8, as amended, by striking out the following between the words "carrier" and "shall," and by adding Section 8a as follows:

"In addition to persons enumerated in Section 8, hereof, any and all other persons, association of persons, or corporations, operating any pipe line, which may now, or hereafter, purchase crude oil, petroleum, or natural gas in this State, whether they be common carriers or affiliated with common carriers or not, shall be a common purchaser of such crude oil, petroleum or natural gas, and shall purchase crude oil, petroleum or natural gas, offered it for purchase without discrimination in favor of one producer or person as against another as provided in Section 8 hereof."

POLLARD.

Read and adopted unanimously.

Amend H. B. No. 19 by striking out Section 11a and inserting in lieu thereof the following:

"For any violation of any provision of this Act, or for the violation

of any valid rule or regulation promulgated hereunder by the Railroad Commission, in pursuance of such provision, by any domestic corporation, which is a common purchaser as defined herein, the Attorney General may bring suit in the District Court of Travis County, Texas, for the purpose of forfeiting the charter of such corporation, and enjoining and forever prohibiting such corporation from doing business in this State, and if adjudged guilty by the Court before whom the action is brought, the charter of such corporation may be forfeited and the injunction may be granted, provided said forfeiture and injunction shall be in addition to all other penalties."

POLLARD.

Read and adopted unanimously.

Amend H. B. No. 19, Section 11b, by striking out all of said Section and inserting in lieu thereof the following:

"For any violation of any provision of this Act, or for the violation of any valid rule or regulation promulgated hereunder by the Railroad Commission in pursuance of such provision, by any foreign corporation, which is a common purchaser as defined herein, the Attorney General may bring suit in the District Court of Travis County for the purpose of cancelling the permit of such corporation and of enjoining and forever prohibiting such corporation from doing business in this State, and if adjudged guilty by the Court before whom the action is brought, the permit may be cancelled and the injunction may be granted, provided said cancellation and injunction shall be in addition to all other penalties."

POLLARD.

Read and adopted unanimously.

Amend H. B. No. 19, Section 11f, by striking out all after the words, "require the party applying for such dissolution or discharge to give bond," and inserting in lieu thereof the following:

"With good and sufficient sureties in an amount to be fixed by the court, sufficient reasonably to indemnify all persons who may suffer damage by reason of the violation of the rule, regulation or order so adjudged to be valid. In determining the amount of such bond, the judge shall take into considera-

tion all of the facts and circumstances surrounding the parties which he may deem necessary to determine the reasonableness of the amount of such bond and any bond so executed, if made by any bonding or surety company, shall be by some company authorized to do business in Texas. Such bond shall be made payable to, and be approved by, the judge of said court and shall be for the use and benefit of, and may be sued on, by all persons who may suffer damage by reason of any further violation by the party giving the bond of the rule, regulation or order so adjudged to be valid, and who may bring suit thereon. From time to time on motion the court may increase or decrease the amount of such bond, and may require new or additional sureties as the facts may warrant or justify."

POLLARD.

Read and adopted unanimously.

"A BILL

To Be Entitled

An Act to amend Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature, by re-enacting the first six sections thereof, except to amend Section 6 to require reports on or before the 20th day of each month, and requiring reports of each commodity separately by adding subdivision No. 6 thereof; adding Section 6-A, providing a basis for pipeline rates, requiring the Railroad Commission to immediately establish and enforce same on said basis and authorizing and requiring the commission to fix rates and charges for transportation, storage and loading of crude oil and petroleum; determining what rates shall include, and allowing deductions for depreciation and other factors; providing for temporary rates and reimbursement and for single and joint line rates; providing for general adjustment of rates once each year; repealing Article 3037 and forbidding abandonment of connections or lines without authority of the Railroad Commission, or owner or his agent; re-enacting Section 7 thereof; re-enacting Section 8 thereof, except to amend the definition of the common purchaser of crude oil; adding Section 8-A which defines common purchasers of natural gas, and

making the provisions of this Act applicable to them; adding Section 8-AA defining others as common purchasers; adding Section 8-B authorizing and directing the Railroad Commission to establish regulations for the enforcement thereof; adding Section 8-BB providing that nothing herein shall affect or repeal the anti-trust laws; adding Section 8-C prohibiting the transportation of oil produced in violation of the law or of the rules and regulations of the Railroad Commission; re-enacting Sections 9, 10 and 11 thereof, except to amend Section 11 so as to permit one-half of penalty to be recovered by and for the use of one discriminated against; and by adding Section 11-A providing for the forfeiture of the charter of and for permanent injunction against, a domestic corporation, which is also a common purchaser, for the violation of the provisions hereof; adding Section 11-B providing for the cancellation of the permit and permanent injunction against a foreign corporation, which is a common purchaser, for the violation of the provisions hereof; adding Section 11-C providing for damage suits against common purchasers in favor of those discriminated against where damage occurs; adding Section 11-D directing the Railroad Commission to order reasonable extensions and connections to prevent discrimination; adding Section 11-E directing the Railroad Commission to request the Attorney General to bring mandatory injunction to enforce the provisions of Section 11d; adding Section 11-F providing for receiverships for violation of orders finally adjudged to be valid, and providing for dissolution of receivership and making bond; adding Section 11-G providing for discrimination in the purchase of royalty oil, providing unreasonable delays in payment for royalty oil and for damages for violation; adding Section 11-H applying enforcement provisions of Title 102, as amended, to this Act; adding Section 11-I appropriating Fifty Thousand Dollars (\$50,000.00) each year for enforcement hereof; adding Section 11-J preventing Commission from limiting production to current market demand:

re-enacting Sections 12, 13, and 14 of Chapter 36, and declaring an emergency."

POLLARD.

Read and adopted unanimously.

Senator Small sent up the following amendment:

Amend H. B. No. 19 as amended by striking out of Section 11-J the following: "or for the purpose of balancing or allocating the market outlet as between pools."

SMALL.

Read and adopted unanimously.

The bill as amended was finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Motion to Set Special Order.

Senator DeBerry moved to set S. B. No. 24 as special order for tomorrow morning immediately following H. B. No. 25. The motion prevailed.

Messages from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following messages:

Executive Office,
August 7, 1931.

To the Members of the Forty-second Legislature:

It has been called to my attention that in the bill fixing the terms of court in the Thirty-second Judicial District of Texas, passed by the Regular Session of the Forty-second Legislature, there was an error made in

designating the terms of court to be held in Mitchell County and that confusion now exists because of this error.

I have been requested to submit the hereto attached bill which seeks to correct the existing situation and I, therefore, hereby submit the attached proposed bill and the subject therein contained as an emergency measure for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,
August 7, 1931.

To the Forty-Second Legislature:

I hand herewith a proposed bill amending House Bill 312, passed by the Regular Session of the Forty-second Legislature which deals with the issuance of warrants of cities and towns.

I understand that great confusion exists with reference to the right of cities to issue warrants payable out of the current funds. This bill seeks to correct the existing situation and I hereby submit the attached proposed bill and the subject therein contained as an emergency matter for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,
August 7, 1931.

To the Forty-second Legislature:

It has been called to my attention that the present law providing for the Board of Optometry Examiners is possibly unconstitutional because of the fact that the present law calls for only five members. The attached bill seeks to increase the membership of this board to six members in order to meet the constitutional question which has been raised.

I, therefore, hereby submit the attached proposed measure and the subject therein contained as an emergency measure for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,
August 7, 1931.

To the Forty-second Legislature:

I have hereby requested to submit as an emergency measure the attached measure which proposes to

validate the incorporation of cities and towns in Texas. I am informed that by inadvertence, oversight or mistake, the incorporation of certain cities and towns in Texas heretofore attempted to be incorporated are possibly invalid and that an emergency exists for the passage of the bill validating these incorporations.

I, therefore, hereby submit to you as an emergency measure the attached proposed bill and the subject therein contained for your consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following subjects:

(1) The enactment of a measure to provide for the employment of a supervisor or supervisors in all counties in this State whenever deemed advisable by the county board of school trustees, specifying the classifications and duties of such supervisors and providing for a manner and mode of payment thereof.

(2) The enactment of a measure amending Section 1 of Chapter 354, Page 844, Acts of the Regular Session of the Forty-second Legislature relating to the creation of the office of the Criminal District Attorney in certain counties so as to make said act applicable to counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants according to the last preceding Federal Census.

(3) The enactment of a law amending Section 1 of Chapter 129 of the General Laws of the State of Texas enacted by the Regular Session of the Forty-first Legislature so as to provide that the Centennial Committee therein created shall be composed of twenty-one (21) members instead of nine (9) members and providing for their appointment.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consid-

eration the following subjects, to-wit:

(1) Legislation validating issues of funding or refunding notes, bonds, warrants, time warrants and treasury warrants heretofore issued or authorized to be issued by any counties, cities or towns in Texas.

(2) Legislation authorizing the assignment and transfer of any tax liens levied by the State of Texas and/or any county, municipality, school district or any other political subdivision of the State and providing for the issuance of tax certificates evidencing the transferred tax obligation, providing means for the collection of such tax certificates, the rate of interest for such obligations, the time of payment, the time for filing and filing fees.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, August 7, 1931.

To the Members of the Forty-second Legislature:

Under the provisions of the Constitution and laws of the United States and of the State of Texas relating to apportionment of the states' congressional representation Texas is now entitled to an increase in the number of Representatives, in the Congress, according to the last enumerated census.

I, therefore, hereby submit for your consideration and attention the subject of redistricting the State of Texas as to its congressional representative districts.

Respectfully,

R. S. STERLING,
Governor.

Senate Bill No. 2.

The Chair laid before the Senate as pending special order the following bill:

S. B. No. 2, A bill to be entitled "An Act declaring soil suitable to growing cotton, one of the natural resources of the State, and in need of preservation and conservation on account of root-rot, a soil disease that is fast spreading, and if not checked will impair and injure the soil of the entire State, and further declaring that planting land to cotton without rotation aids the spread of said disease, and prohibiting all persons, partnerships, associations

and corporations who own, lease or rent land from growing cotton during the year 1932 on more than one-half of the land previously cultivated in cotton during the year 1931, and prohibiting planting cotton two years successively, without rotation, and making the violation thereof a misdemeanor, and fixing the punishment, also making it the duty of the Commissioner of Agriculture to procure similar laws in other states, and declaring an emergency."

The question recurred upon the pending substitute for Committee Amendment No. 1.

The substitute was adopted.

The committee amendment as substituted was adopted.

Senator Pollard sent up the following amendment:

Amend H. B. No. 2 by striking out the words and figures "\$25.00 to \$50.00" wherever they occur and insert in lieu thereof the words and figures "25c to 50c."

POLLARD.

The amendment was read and lost.

Senator Moore sent up the following amendment:

Amend Substitute for S. B. No. 2, at the end of Sec. 2, as follows: "Provided the provisions of this Act shall not apply to farms or individual farm units of less than two hundred and fifty (250) acres."

MOORE.

The amendment was read.

Senate Bill No. 46.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 46, A bill to be entitled "An Act governing the statement of facts, including: amendment of Articles 2237, 2238 and 2239 of the Revised Civil Statutes, 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed, in duplicate, objection may be made thereto and the same when approved and signed as herein required may be used as the statement of facts; and provisions for fees and taxation of costs, therefor, sending up original documentary evidence or copying same into the statement of facts filing statement of facts in narrative

form, incorporating record by reference, eliminating bills of exception in certain instances, excepting procedure as to statement of facts in appeals in criminal cases, declaring and pointing out the procedure therefor in such criminal appeals, amending Articles 760 and 607 of the Code of Criminal Procedure, 1925, repealing House Bill No. 120 and Senate Bill No. 59 of the Regular Session of the Forty-second Legislature and all laws in conflict, saving such as are cumulative; and declaring an emergency."

On motion of Senator Purl, the rule requiring Committee reports to lie over 24 hours was suspended unanimously.

The committee report was adopted.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its second reading by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—30.

Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal.
Holbrook.	Parr.

Parrish.	Small.
Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—30.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Simple Resolution No. 18.

Senator Parr sent up the following resolution:

Amend Senate Rule 92, page 219, by inserting after the word "Appeals" in 6th line, the following:

"Visitors and friends, by invitation of a Senator, may be allowed the privilege of the space adjacent to the walls so long as they maintain order and decorum."

PARR,
WILLIAMSON,
SMALL,
HARDIN,
RUSSEK,
HOPKINS,
CUNNINGHAM,
PATTON,
MARTIN,
STEVENSON,
THOMASON,
COUSINS,
WOODWARD,
GAINER,
PARRISH,
HORNSBY,
HOLBROOK,
NEAL,
POLLARD.

By unanimous consent, on motion of Senator Woodruff, reading of the resolution was dispensed with and the resolution was referred to the Committee on Rules.

Gift Presented.

Senator Moore presented to Senator Hardin two birthday gifts on behalf of his friends in the Senate.

Recess.

On motion of Senator Greer the Senate, at 6:30 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, August 7, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 51, A bill to be entitled "An Act governing the statement of facts including amendment of Articles 2237, 2238, and 2239 of the Revised Civil Statutes 1925; provisions under which the court stenographer's transcript of the evidence may be ordered and shall be filed in duplicate, objection may be made thereto and the same when approved and signed as herein required may be used as the statement of facts; and provisions for fees and taxation of costs therefor, sending up original documentary evidence or copying same into the statement of facts, filing statement of facts in narrative form, incorporating record by reference, eliminating bills of exception in certain instances, excepting procedure as to statement of facts in appeals in criminal cases, declaring and pointing out the procedure therefor in such criminal appeals, amending Articles 760 and 607 of the Code of Criminal Procedure 1925, repealing House Bill No. 120 and Senate Bill No. 59 of the Regular Session of the Forty-second Legislature and all laws in conflict, saving such as are cumulative; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, August 6, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Judicial Districts, to whom was referred

S. B. No. 40, A bill to be entitled "An Act amending Section 1 of Chapter 354, page 844, Acts of the Regular Session of the 42nd Legislature, relating to the creation of the office of Criminal District Attorney in certain counties, so as to make said Act applicable to counties having a population of not less than 32,000 and not more than 75,000 inhabitants according to the last preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

Committee Room,
Austin, Texas, August 7, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 23, A bill to be entitled "An Act providing for the leasing of the river bed of the Sabine River for oil and gas, authorizing the Governor, Land Commissioner and Attorney General to negotiate and execute leases either with or without drilling obligations; providing for the disposition of funds derived from such leases; providing for certain appropriations and for things necessary and incidental thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the opinion that it does not come within the Governor's call, and that it do not pass.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, August 7, 1931.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, salt water and certain other substances in or on any stream, water course or other body of water of this State; providing that salt water may be discharged into the tidal waters of this State and that sulphur water, when so treated that it is not harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State; providing for the enforcement this Act, disposition of fines and fees of the arresting officer; and providing that it shall be cumulative of all other laws on this subject and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute do pass in lieu thereof with committee amendment.

MOORE, Chairman.

Committee Amendment.

Amend H. B. No. 12 by adding the following to Section 1: "and providing further that when it is charged that there is a violation of this Act by throwing, casting, discharging or depositing crude petroleum, oil, refinery wastes or oil well wastes into any of the waters of this State adequate proof must be submitted that crude petroleum, oil, refinery wastes or oil well wastes or accumulations of such deposits, covered an area of such water in excess of ten thousand (10,000) square feet or was on the surface of a river, stream, bayou or channel of this State for a distance in excess of three hundred (300) feet."

C. S. H. B. No. 12.

A BILL To Be Entitled

An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes, oil well wastes or industrial wastes in any of the waters of this State; providing that salt water and treated sulphur water may be deposited in the tidal waters of this State and providing that salt water, under certain cir-

cumstances, may be deposited in the fresh waters of this State; providing for the enforcement of this Act, disposition of fines and fees of the arresting officers; providing that this Act shall be cumulative of all laws relating to the subject matter of this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful to throw, cast, discharge or deposit crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes, oil wastes or industrial wastes in or on any stream, water course or natural body of water of this State or in such proximity thereto that such crude petroleum, oil, acids, sulphur, salt water, oil refinery wastes, oil well wastes or industrial wastes will reach such stream, water course or natural body of water; providing, however, that salt or sulphur water, when such sulphur water is so treated that it will not be harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State.

Sec. 2. Provided that salt water may be discharged into a fresh water stream or other natural body of fresh water of this State at such times and in such quantities that it will not be harmful to nor contribute to the injury nor prevent the propagation of aquatic life, nor render such water unfit for livestock, domestic or irrigation purposes. All discharges of salt water contributing to conditions inhibited by this Act or cumulative of conditions inhibited by this Act shall be violations of this Act; providing that any and all discharges of salt water into a fresh water stream or other natural body of fresh water of this State, that produces or contributes to a salinity in excess of two thousand parts of salt in one million parts of water shall be violations of this Act.

Sec. 3. Any person violating any provision of this Act or any director or officer of a corporation or member of a firm or partnership or receiver whose corporation, firm, partnership or receivership is responsible for the operations causing a violation of any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than

\$200.00 nor more than \$1000.00, and each day that such violation is committed shall constitute a separate offense. The Game, Fish and Oyster Commission and its representatives is charged with the duty of enforcing the provisions of this Act and all fines and fees of the arresting officer, imposed for violations of this Act, shall be remitted to the Game, Fish and Oyster Commission and deposited in the State Treasury to the credit of the Special Game Fund.

Sec. 4. This Act shall be cumulative of all laws relating to the subject matter of this Act. If any part of this Act shall be held unconstitutional or inoperative all remaining parts of this Act shall remain in full force and effect.

Sec. 5. The fact that the present pollution laws of this State are inadequate and difficult of enforcement and there is urgent need of a more adequate law to preserve important natural resources of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 21, A bill to be entitled "An Act amending Section 5 of Chapter 13, Local and Special Laws, Acts 2nd Called Session, 41st Legislature, relating to the creation of the Brazos River Conservation and Reclamation District and the establishment of the boundaries thereof; reappropriating for said purpose the unexpended balance of twenty thousand (\$20,000) dollars appropriated for said purpose by Chapter 35, General Laws, passed at the Regular Session of the 42nd Legislature, and limiting the time in which said appropriation may be expended to prior to June 1, 1932, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 44, A bill to be entitled "An Act to amend Chapter Sixty-one Special Acts of the Regular Session of the Forty-second Legislature, House Bill 289, providing for the taking of fish from the fresh waters of Hunt County, Kaufman County and Rains County, Texas and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale, except Carp, Buffalo, Catfish and Drumfish taken from the waters of Kaufman County, Texas, or to retain any Bass or Trout less than eight inches in length or any white perch or crappie weighing less than one-half pound; fixing penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Committee Amendment.

Amend S. B. No. 44, between the "comma" and the word "Texas" of the last line, Sec. 3 of the typewritten bill by adding the words "Hunt County and Rains County."

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 38, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-

third District Court, the Ninety-eighth District Court and the One Hundred and Twenty-sixth District Court, to fix the terms of each of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts, to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, to continue in effect writs, process, bonds, recognizances, and orders, enacting proper provisions to continue any term of court that may be in session when this Act takes effect and to preserve grand and petit juries that may be drawn and selected when this Act takes effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and being a local bill, that it be not printed.

PATTON.

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 41, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils to provide for part time schools, continuation schools and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Greer and Purl. S. B. No. 41.

A BILL

To Be Entitled

An Act to provide free tuition for all pupils over six years of age and

not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part-time schools, continuation schools, and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency. Be it enacted by the Legislature of The State of Texas:

Section 1. The board of trustees of any common or independent school district, whether organized by general or special law, which levies and collects a maintenance tax for the purpose of supplementing the available school fund received from the state and county shall admit into the public schools of the district free of tuition, all persons who are over six and not over twenty-one years old at the beginning of the scholastic year, if such person or his parents or legal guardian reside within said common or independent school district.

Sec. 2. In the event such district as is mentioned in section one of this act fails to provide high school instruction in the proper grade for any such resident pupil, the board of trustees shall pay a reasonable rate of tuition for such pupils in any other public high school of this state or of any other state if the public high school in the other state is located in a district contiguous to the state line and is more convenient to the student than a Texas public high school; provided that if the school district is unable to pay said tuition and also maintain an efficient elementary school as determined by the county board of trustees approved by the State Board of Education, the tuition or such part thereof as may be necessary, shall be paid by the State of Texas.

Sec. 3. All such high school pupils as are subject to transfer under the transfer laws of this state shall be transferred and the receiving district shall grant free tuition to such transferred pupils for the length of term the state and county funds support the public schools of the race to which such transferred pupil belongs, such free school term for such pupil to begin with the date such transferred pupil enters the school of the receiving district.

Sec. 4. Any such taxing district shall have the privilege of using its local maintenance tax for the support of part-time schools, continuation schools, and evening schools for the instruction of adults, and other persons included within the ages mentioned in section one of this act who can not attend the regularly organized day school of such districts.

Sec. 5. High school grades within the meaning of this act shall include the upper four grades in a public school system of eleven or twelve grades and shall not include school work of college rank.

Sec. 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. The fact that by a recent decision of the Supreme Court of the State of Texas more than 20,000 boys and girls will be excluded from the public free schools for the year 1931-32 creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended and the same is hereby suspended and that this act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, August 7, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 42, A bill to be entitled "An Act to provide for the employment of a supervisor or supervisors in all counties in this State whenever deemed advisable by the county board of school trustees and specifying qualifications and duties of such supervisor or supervisors and providing for the manner and mode of payment thereof and repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

S. B. No. 42.

By Neal.

A BILL

To Be Entitled

An Act to provide for the employment of a supervisor or supervisors

in all counties in this State whenever deemed advisable by the County Board of School Trustees and specifying qualifications and duties of such supervisor or supervisors and providing for the manner and mode of payment thereof and repealing all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The County Board of Education in all counties of this State having a population of fifteen hundred scholastics or more under the supervision of the county school superintendent or ex-officio school superintendent may, upon the recommendation of the county superintendent or ex-officio school superintendent, provide for the employment of such professional supervisor as may be deemed necessary, this to be in lieu of the Teachers' Institute as now provided by law. The County superintendent shall be exempt after the passage of this Act from such requirements as are now provided by law for the holding of teachers' institutes; and shall be empowered to provide for such meetings of the teachers of the county as may be deemed necessary and to require the attendance of all teachers upon such meetings.

Sec. 2. In making the annual per capita apportionment to the schools, the County Board of Education shall fix the salary and shall also make an annual allowance out of the State and Available Funds for the salary and expenses of said supervisor or supervisors and such expense shall be prorated on a per capita basis to all of the schools of the county; provided that in making this allowance for county administration and supervision the per capita assessment against the scholastics of the districts shall not exceed \$1.50. This expense shall be an item in the budget prepared for said counties, certified to the state superintendent to be held out and sent by him to the depositories of the several counties as is now provided by law or that may hereafter be provided by law. Said supervisors shall be paid by vouchers drawn on said funds signed by the chairman of the County Board of School

Trustees and approved by the County Superintendent.

Sec. 3. The county school supervisor or supervisors provided for in this Act shall possess such qualifications as may be fixed by the State Board of Education.

Sec. 4. It shall be the duties of the supervisor to devote his time to visiting the schools of the county and in assisting the teachers with their class work by teaching demonstration lessons for them, suggesting methods of presenting the work and aiding them in any other ways to promote the efficiency of the schools, and such supervisor or supervisors, shall be under the immediate direction of the county superintendent and the county board or school board of school trustees.

Sec. 5. All laws and parts of laws, General and Special, in conflict with the terms and provisions of this Act are hereby repealed.

Sec. 6. The fact that the special laws providing for the employment of a supervisor, or supervisors, have been declared unconstitutional, creates an emergency and a public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and it is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

SIXTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
August 8, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Tom DeBerry.

Bills Introduced.

By Senator Rawlings (reintroduced):

S. B. No. 47, A bill to be entitled "An Act amending Article 2832, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 563 approved May 29, 1931, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Hardin:

S. B. No. 56, A bill to be entitled "An Act making an emergency appropriation of money to the Division of Child Welfare of the State Board of Control, for the support, maintenance and operation of said division for the two years beginning September 1, 1931, and ending August 31, 1933; providing the transfer of a portion of such appropriated amounts from other appropriated funds; prescribing means and manner of expenditure; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Poage:

S. B. No. 58, A bill to be entitled "An Act amending Articles 2559 and 2560 Revised Civil Statutes of the State of Texas for 1925, providing the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages and providing for the way and manner in which said funds shall be secured and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Parrish:

S. B. No. 59, A bill to be entitled "An Act amending Chapter 239, Special Laws of the Regular Session of the Forty-second Legislature of the State of Texas, so as to change the dates of convening the district court in Mitchell County of the 32nd Judicial District of Texas; and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Berkeley:

S. B. No. 60, A bill to be entitled "An Act to amend Sections 11, 13, 14, and 15 of House Bill No. 547, Acts of the Forty-second Legislature, Chapter 73, page 111, Laws of the Regular Session, and is adding thereto certain new sections to be known as Sections 15a, 15b, and 15c; said portion of said act being amended relative to an occupation tax on dealers in cigarettes; providing for the levying and imposition of said tax and the manner and method in which the payment of same shall be evidenced, and prescribing the manner and method in which said stamps shall be placed upon packages or parcels of cigarettes; prescribing the